

REQUEST FOR APPROVAL OF UNAUTHORIZED COMMITMENT

(FORSCOM Federal Acquisition Regulation Supplement (FFARS))

IN THE AMOUNT OF (\$)

TO (Company Name)

FOR (Supplies/Services)

COMMITTED (Date)

COMMITTING ACTIVITY/UNIT

PART I - DESCRIPTION OF COMMITMENT AND UNIT COMMANDER'S REVIEW

AUTHORITY: FEDERAL ACQUISITION REGULATION (FAR) AND

ARMY FEDERAL ACQUISITION REGULATION SUPPLEMENT (AFARS), 1.602-3

The individual making the unauthorized commitment shall complete items 1 through 5 of Part I, Section A, provide the required documentation, sign, date, and forward to his/her immediate supervisor for completion of Item 6. The immediate supervisor shall then forward the file to the appropriate individual (Unit Commander, Director or Activity Chief) for completion of Part I, Section B. The complete file shall be forwarded through command channels to the Director of the supporting installation Directorate of Contracting. All information will be completed in detail.

SECTION A - COMMITMENT CIRCUMSTANCES

(Completed by individual making unauthorized commitment and supervisor of that individual. Following immediate supervisor's completion of Part I, Section A, Item 6, forward through command channels to Unit Commander, Director, or Activity Chief (first O6 or equivalent).)

1. STATEMENT BY INDIVIDUAL DESCRIBING CIRCUMSTANCES

2. EXPLAIN WHY NORMAL PROCUREMENT PROCEDURES WERE NOT FOLLOWED

PART I - SECTION A - COMMITMENT CIRCUMSTANCES (Continued)

3. DESCRIBE BONAFIDE GOVERNMENT REQUIREMENT NECESSITATING THE COMMITMENT

4. DESCRIBE GOVERNMENT RECEIVED BENEFITS *(Give value of benefit and other pertinent facts)*

5. LIST AND ATTACH ALL RELEVANT DOCUMENTS *(Include orders, invoices and other evidence of the transaction)*

TYPED NAME AND TITLE OF INDIVIDUAL MAKING
UNAUTHORIZED COMMITMENT

SIGNATURE

DATE

6. COMMENTS OF IMMEDIATE SUPERVISOR OF INDIVIDUAL MAKING UNAUTHORIZED COMMITMENT

TYPED NAME, TITLE AND ORGANIZATION OF SUPERVISOR

SIGNATURE

DATE

PART I - SECTION B - CONTRACTUAL RATIFICATION

(Completed by Unit Commander, Director or Activity Chief (first O6 or equivalent in chain of command). Following completion of Items 1 through 4 or Item 5, as applicable and Item 6, forward through chain of command to Director of Contracting if greater than \$25K but less than \$100K. Forward to concurring official as identified in Part II - Concurrence Official if action is greater than \$100K.)

1. DESCRIBE ATTEMPTS TO RESOLVE UNAUTHORIZED COMMITMENT PRIOR TO REQUEST RATIFICATION *(i.e. returning merchandise, individual paying from personal funds, etc.)*

2. DESCRIBE SPECIAL REMEDIAL CORRECTIVE ACTION AND/OR DISCIPLINARY ACTION TAKEN *(Include a description of any administrative action to be taken under applicable personnel authority or furnish an explanation of why no disciplinary action was considered necessary)*

3. DESCRIBE ACTION TAKEN TO PREVENT RECURRENCE OF UNAUTHORIZED ACT

4. CONCUR WITH CONTRACTUAL RATIFICATION

☐

(Complete purchase description and funding DA Form 3953 is executed and attached (required if ratification is recommended))

5. DO NOT CONCUR WITH CONTRACTUAL RATIFICATION

☐

EXPLAIN NONCURRENCE

6. THE PRECEDING STATEMENT IS, TO THE BEST OF MY KNOWLEDGE, COMPLETE AND ACCURATE

☐

YES

☐

NO

TYPED NAME, GRADE, TITLE AND ORGANIZATION OF UNIT
COMMANDER

SIGNATURE

DATE

PART II - CONCURRING OFFICIAL'S APPROVAL *(Applicable only to actions greater than \$100K)*

(Completed by individual indicated by "X" as identified by Director of Contracting IAW FFARS. When completed, forward to supporting Directorate of Contracting of unit committing Government.)

- ☐ INSTALLATION COMMANDER *(Unauthorized action committed by individual in direct chain of command of Installation Commander)*
- ☐ FIRST GENERAL OFFICER OR SES *(Unauthorized action committed by individual in tenant activity outside direct chain of command or supporting installation) (Does not include reserve component)*
- ☐ COMMANDER OF DIRECT REPORT UNITS (DRU) OR USARC DEPUTY COMMANDER

1. APPROVAL OF RECOMMENDED SPECIFIC REMEDIAL ACTION AND/OR DISCIPLINARY ACTION TAKEN
(Explain nonconcurrence)

☐ YES ☐ NO

2. APPROVAL OF RECOMMENDED CORRECTIVE ACTION TO PRECLUDE RECURRENCE

☐ YES ☐ NO *(Explain nonconcurrence)*

TYPED NAME, GRADE, TITLE AND ORGANIZATION

SIGNATURE

DATE

PART III - ASSIGNMENT OF CONTRACTING OFFICER
(Completed by Directorate of Contracting)

PROPOSED RATIFICATION ASSIGNED FOR PROCESSING TO *(Name of Contracting Officer)*

TYPED NAME, GRADE OF DIRECTOR OF CONTRACTING

SIGNATURE

DATE

PART IV - CONTRACTING OFFICER'S REVIEW
(Completed by Directorate of Contracting)

THE CONTRACTING OFFICER DESIGNATED IN PART III SHALL REVIEW THE FILE AND PROCEED AS FOLLOWS:

1. Determine the adequacy of all facts, records, and documents furnished, and obtain any additional material required.
2. Obtain an opinion from legal counsel as to whether the acquisition is ratifiable under FAR and AFARS 1.602-3, whether the matter should be processed under FAR and DOD FAR Supplement Part 50 (Public Law 85-804), processed as a GAO claim, or otherwise handled.
3. State whether the price involved is considered fair and reasonable and indicate how that determination was made.
4. Determine that sufficient funds are available to pay for acquisition, and funds were available at the time the UAC was made.
5. Prepare a summary statement of facts addressing the foregoing. The statement is to include a recommendation as to whether the transaction should be ratified stating the reasons therefore. Advice against the ratification should include a recommendation as to whether the matter should be processed under FAR and DOD FAR Supplement Part 50 (Public Law 85-804), as a GAO claim, or for other appropriate disposition. *(If more space is required attach plain bond paper).*
6. Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment.
7. The ratifying official has the authority to enter into a contractual commitment.
8. The resulting contract would otherwise have been proper if made by an appropriate contracting officer.
9. The contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence.
10. The ratification is in accordance with any other limitations prescribed under agency procedures.

TYPED NAME, GRADE OF CONTRACTING OFFICER

SIGNATURE

DATE

PART V - LEGAL REVIEW AND REQUEST FOR GARRISON COMMANDER'S REVIEW

SECTION A - LEGAL REVIEW

(Completed by Legal Counsel. Return to Director of Contracting Division for review.)

DETERMINE WHETHER THE ACQUISITION IS RATIFIABLE UNDER FAR AND AFARS 1.602-3 OR WHETHER THE MATTER SHOULD BE PROCESSED UNDER FAR AND DOD FAR SUPPLEMENT PART 50 (Public Law 85-804), AS A GAO CLAIM, OR RECOMMEND OTHER APPROPRIATE DISPOSITION.

TYPED NAME AND GRADE OF LEGAL ADVISOR

SIGNATURE

DATE

PART V - REQUEST FOR GARRISON COMMANDER'S REVIEW
(Only when UAC involves individual in Garrison Commander's chain of command.)

SECTION B
(Completed by Directorate of Contracting)

TO **Commander**

Recommend your concurrence that ratification action be approved or forwarded with approval recommendation to HQ FORSCOM, as applicable.

TYPED NAME AND GRADE OF DIRECTOR OF CONTRACTING	SIGNATURE	DATE
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PART VI - COMMANDER'S REVIEW
(Completed by Garrison Commander)

☐ I have reviewed the circumstances, facts, and actions taken concerning the unauthorized procurement action and I concur with further processing ratification by the Director of Contracting.

☐ I have reviewed circumstances, facts, and actions taken and I do not concur that this action should be further processed for ratification. Action should be returned to the unit commander/supervisor for:

- ☐ Further documentation of circumstances.
- ☐ Payment to vendor by individual making unauthorized commitment.
- ☐ Further documentation of corrective action(s) taken.
- ☐ Other *(Explain)*

TYPED NAME, GRADE AND TITLE OF GARRISON COMMANDER	SIGNATURE	DATE
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PART VII - FINAL DISPOSITION
(Completed by Director of Contracting)

BASED ON THE FOREGOING DETERMINATION REQUEST FOR APPROVAL OF UNAUTHORIZED COMMITMENT IS

ACTIONS IN EXCESS OF \$25,000 (*Forward to HQ FORSCOM, ATTN: AFLG-PRK with complete documentation*)

☐

Approval is recommended

☐

Disapproval is recommended (*See FAR 1.602-3(d) and AFARS 1.602-3(92)*)

TYPED NAME AND GRADE OF DIRECTOR OF CONTRACTING

SIGNATURE

DATE